

## United States District Court, Northern District of Illinois

Name of Assigned Judge or Magistrate Judge	David H. Coar	Sitting Judge if Other than Assigned Judge	
CASE NUMBER	08 C 3847	DATE	July 16, 2008
CASE TITLE	Hatch (N-32521) v. McCann, et al.		

## DOCKET ENTRY TEXT:

The Court denies Plaintiff's motion for leave to file *in forma pauperis* [3] pursuant to 28 U.S.C. § 1915(g). If Plaintiff does not pay the \$350 filing fee within 30 days, the Court will enter judgment dismissing this case in its entirety. See N.D. Ill. Local Rule 3.3(e).

■ [For further details see text below.]

Docketing to mail notices.

## STATEMENT

Plaintiff, Jesse M. Hatch, currently an inmate at Stateville Correctional Center, has brought this *pro se* civil rights action pursuant to 42 U.S.C. § 1983. Plaintiff alleges that Defendants, Stateville Correctional Center administrators and mailroom supervisors, violated Plaintiff's constitutional rights by opening and reading his legal mail. Plaintiff seeks leave to file this *pro se* civil rights complaint *in forma pauperis*.

The Prison Litigation Reform Act of 1995 (PLRA), enacted on April 26, 1996, provides that a prisoner may not bring a civil action or appeal a civil judgment under 28 U.S.C. § 1915 "if the prisoner has, on 3 or more prior occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury." 28 U.S.C. § 1915(g).

At least three of Plaintiff's previous actions have been dismissed in this district on the grounds that they were frivolous, malicious, or failed to state a claim upon which relief may be granted. See, e.g., *Hatch v. Lee*, No. 93 C 4497, (N.D. Ill.), dismissed 11/2/94 (Plunkett, J.); *Hatch v. Hardiman*, No. 83 C 0039, (N.D. Ill.), dismissed 11/12/85 (Moran, J.); and *Hatch v. State of Illinois*, No. 93 C 9020, (N.D. Ill.), dismissed 8/31/84 (Getzendanner, J.).

Plaintiff's current complaint does not allege that he is in imminent danger of serious physical injury. Accordingly, 28 U.S.C. § 1915(g) prevents him from proceeding without the full prepayment of the \$350 filing fee.

The Court therefore denies Plaintiff's motion for leave to file *in forma pauperis* pursuant to 28 U.S.C. § 1915(g). If Plaintiff does not pay the \$350 filing fee within 30 days, the Court will enter judgment dismissing this case in its entirety. See N.D. Ill. Local Rule 3.3(e).

JJD